

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

'916) 323-2888



September 16, 1982

ALL-COUNTY LETTER NO. 82-94

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: California Administrative Code - Regulations for Investigation
of Child Abuse in Group Homes or Institutions

Attached are the regulations establishing the guidelines for the investigation of child abuse in group homes or institutions. The regulations provide the scope, purpose and use of the guidelines; definitions for terms used in the guidelines; reporting abuse in group homes or institutions; assessing the nature and seriousness of the suspected child abuse; standard procedure for the investigation of abuse; assessment of abuse and standard procedures for Voluntary Inter-Agency Investigation Teams; and enforcement of guidelines. The regulations became effective on August 22, 1982 and are contained in Title 11, Chapter 1, Subchapter 9, Article 3, of the California Administrative Code (C.A.C.).

The regulations were developed by the Department of Justice in cooperation with the State Department of Social Services (SDSS) as required by Penal Code (P.C.) Section 11174 of the Child Abuse Reporting Law (SB 781, Chapter 1071, Statutes of 1980, as amended). The regulations apply to all child protective agencies as defined in P.C. Section 11165(k), which includes county welfare departments. County welfare departments participated in their development through testimony and written comments presented at public hearings on the regulations and by submitting their concerns directly to my Division.

Several important issues were addressed during the development of the regulations. In order to facilitate the implementation of the regulations, these issues are clarified below.

SCOPE OF THE REGULATIONS

It is important to note that these regulations apply only to group homes or institutions as defined in the regulations (11 C.A.C. Section 930.3(c)). This definition includes those facilities licensed as group homes by SDSS Community Care Licensing Division and all other non-family residential homes providing 24-hour care for children that are exempt from licensing under 22 C.A.C. Section 80105.

While the definition of group homes or institutions does not include foster family homes or small family homes, suspected child abuse in these homes or any other out-of-home care situation, such as a school, family day care home or child day care center, will continue to be reported and investigated in accordance with existing procedures. (Reference: All County Letters 81-117 dated 11/30/81 and 82-60 dated 6/25/82 and SDSS Division 30 Regulations.)

RESPONSIBILITY FOR INVESTIGATION

The responsibility for the investigation of child abuse in group homes or institutions lies with child protective agencies.

All reports of suspected child abuse defined as "serious abuse" in the regulations (11 C.A.C. Section 930.3(k)) would be investigated by law enforcement.

All reports of "other abuse" (11 C.A.C. Section 930.3(1)), which "means general neglect as defined in P.C. Section 11165(c)(2) or any act or omission proscribed by Section 273a(2) of the Penal Code", would be referred to a child welfare agency for investigation. A child welfare agency "means a county probation or county welfare department, whichever of the two departments has responsibility for investigation of Welfare and Institutions Code (W&IC) Section 300 cases." However, if the "other abuse" occurs in a group home or institution under the authority of the child welfare agency responsible for the investigation, then the law enforcement agency having jurisdiction over the case shall investigate.

Based upon the above, the County Welfare Department unit which investigates W&IC Section 300 cases would be responsible for investigating reports of general neglect and acts or omissions proscribed by P.C. Section 273a(2) occurring in group homes or institutions other than those facilities falling under their authority, such as temporary shelter care facilities. In a county where probation departments have responsibility for W&IC Section 300 cases, reports of "other abuse" shall be referred to probation for investigation.

The responsibility for investigating child abuse in group homes or institutions pursuant to the Child Abuse Reporting Law (P.C. Section 11165 et seq.) does not lie with placement or community care licensing (CCL) units within the county welfare department nor with the State Department of Social Services Community Care Licensing Division (CCLD). CCLD and CCL units within the county welfare departments have an independent obligation to investigate complaints, which may involve allegations of child abuse, from the standpoint of licensure or continuing licensure of community care facilities under the Community Care Facilities Act, and related regulations. Although parallel or coordinated investigations by child protective agencies and licensing agencies might occur, each investigation has its own specific purpose and statutory mandate.

Law enforcement may also decide to conduct a parallel criminal misdemeanor investigation in cases involving P.C. Section 273a(2).


VOLUNTARY INTERAGENCY INVESTIGATION TEAM

In keeping with the intent of SB 781 to foster cooperation between agencies involved in investigating child abuse to insure that children will receive the benefit of their collective judgment, the regulations allow for the formation of a Voluntary Interagency Investigation Team (11 C.A.C. Section 930.7). In counties having these teams, procedures and standards for assessment and investigation of child abuse which are established and agreed upon by the agencies involved may be followed in lieu of the guidelines (for assessment and investigation) so long as they are not inconsistent with the guidelines and all notifications required by the guidelines are made.

SDSS encourages the formation of these Voluntary Interagency Investigation Teams with representatives from law enforcement, county welfare and probation departments and SDSS Community Care Licensing.

Representatives from my Division are in the preliminary stages of planning regional training sessions on the regulations with staff from the Department of Justice to be held in early 1983. Further notification regarding these sessions will be forthcoming.

If you have any questions, please contact your Family and Children's Services Program Operations consultant at (916) 445-7653 or ATSS 485-7653.


CLAUDE FINN
Deputy Director

Attachment

cc: CWDA

REVISION RECORD FOR REGISTER 82, No. 30

(July 24, 1982)

TITLE 11. LAW

CHAPTER 1. ATTORNEY GENERAL

This part of Register 82, No. 30, contains all the additions, amendments, and repeals affecting the above-entitled portion of the California Administrative Code which were filed with the Secretary of State from 7-17-82, to and including 7-24-82. The latest prior register containing regulations of the above agency is Register 82, No. 22 (5-29-82).

It is suggested that the section numbers listed below as well as the page numbers be checked when inserting this material in the code and removing the superseded material. In case of doubt rely upon the section numbers rather than the page numbers since the section numbers must run consecutively. It is further suggested that superseded material be retained with this revision record sheet so that the prior wording of any section can be easily ascertained.

SECTION CHANGES

Unless otherwise noted, the sections listed below are amended herein.

Article 3 (Sections 930-	963.8
930.8) Added	963.10
961	964
963	964.1-964.6
963.1	964.9

PLEASE NOTE

A new, simple style for the California Administrative Code is being implemented to cut both printing time and expense. We hope you are pleased with the new format which you will notice in the attached amendments.

PAGE CHANGES

Remove Old Pages	Insert Attached Pages
112.5-112.6	112.5-112.6
112.11-112.12	112.11-112.18
	112.18.1-112.18.2
112.31-112.40	112.31-112.40

(Precedes page 112.5, Title 11)

SUBCHAPTER 9. REPORT OF CHILD ABUSE

DETAILED ANALYSIS

Article 2. Report of Sexual Assault

Section

- 920. Scope
- 921. Glossary of Terms
- 923. Sexual Assault Reporting Form
- 925. Consent by Minor
- 927. Preparation and Delivery by Reporting Physician

Article 3. Guidelines for Investigation of Child Abuse in Group
Homes or Institutions

Section

- 930. Scope
- 930.1. Purpose
- 930.2. Use of Guidelines
- 930.3. Definitions
- 930.4. Reporting Abuse in Group Homes or Institutions
- 930.5. Assessing the Nature and Seriousness of the Suspected Child Abuse
- 930.6. Standard Procedure
- 930.7. Assessment of Abuse and Standard Procedures for Voluntary
Inter-Agency Investigation Teams
- 930.8. Enforcement of Guidelines

Article 1. Report of Child Abuse

NOTE: Authority and reference cited: Section 11165, *et seq.*, Penal Code.

HISTORY:

1. New Subchapter 9, Article 1 (Sections 900-905, not consecutive) filed 4-2-76 (Register 76, No. 14).
2. Repealer of Article 1 (Sections 900-905, not consecutive) filed 11-9-81; designated effective 1-1-82 (Register 81, No. 46).

Article 2. Report of Sexual Assault

920. Scope.

In accordance with Section 1493 of the Health and Safety Code, this article shall apply to the submission of reports to the local police department or county sheriff by each physician and surgeon in a county hospital or in any other general acute care hospital who conducts a medical examination for evidence of sexual assault.

NOTE: Authority cited: Section 1493, Health and Safety Code. Reference: Section 1493, Health and Safety Code.

HISTORY:

1. New Article 2 (Sections 920-927, not consecutive) filed 6-13-78; effective thirtieth day thereafter (Register 78, No. 24).

921. Glossary of Terms.

For the purposes of this article, the following glossary of terms shall apply whenever the terms are used.

(a) Sexual Assault. Includes any of the following conduct:

(1) Rape. Rape as used in this regulation is as defined in Penal Code Section 261 and interpreted by the courts. As so defined, rape includes sexual intercourse with a female by a person other than her husband where she is unable to give legal consent; or where her resistance is overcome by force or violence; or where she is unable to resist due to threats of bodily harm or unable to resist due to ingestion of controlled substance; or where she is unconscious of the nature of the act; or where she submits believing the assailant to be her husband.

(2) Unlawful Sexual Intercourse. Unlawful sexual intercourse as used in this regulation is as defined in Penal Code Section 261.5 and interpreted by the courts. As so defined, unlawful sexual intercourse includes sexual intercourse with a female under the age of 18.

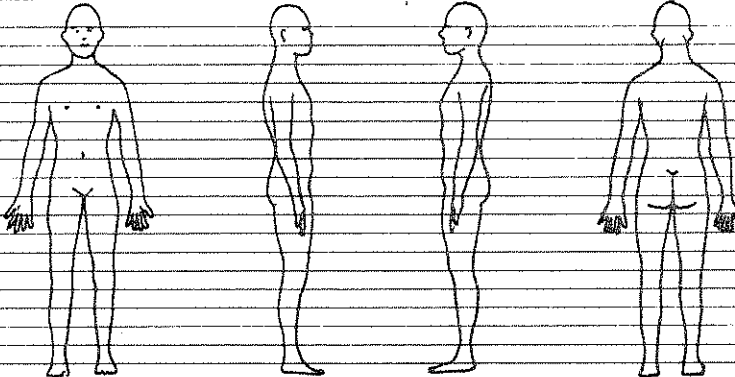
(3) Sodomy. Sodomy as used in this regulation is as defined in Penal Code Section 286 and interpreted by the courts. As so defined, sodomy includes sexual conduct with a person under 18 years of age consisting of contact between the penis of one person and the anus of another person; or with any person, minor, or adult, if committed by means of force, violence, duress, menace or threat of great bodily harm.

(4) Oral Copulation. Oral copulation as used in this regulation is as defined in Penal Code Section 288a and interpreted by the courts. As so defined, oral copulation includes the act with a person under 18 years of age of copulating the mouth of one person with the sexual organ of another person; or with any person, minor or adult, if committed by means of force, violence, duress, menace or threat of great bodily harm. Fellatio and cunnilingus are included within this definition.

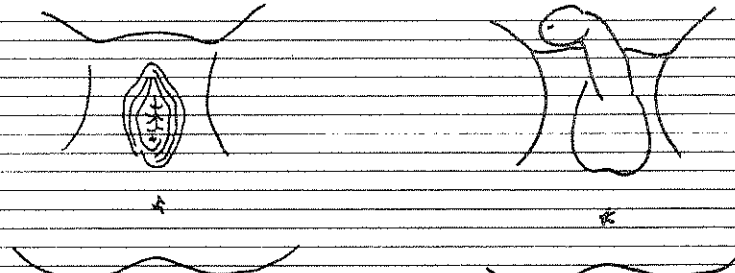
(Next page is 112.9)

PATIENT'S NAME _____	HOSPITAL ID NO. _____	HOSPITAL _____
----------------------	-----------------------	----------------

B. GENERAL PHYSICAL (Cont.) 2. LOCATE & DESCRIBE IN DETAIL ANY INJURIES OR FINDINGS (SPECULUM & BIMANUAL EXAM): TRAUMA, BRUISES, ERYTHEMA, EXCORIATIONS, LACERATIONS, WOUNDS, STAINS/FOREIGN MATERIALS ON BODY - MUCOID OR LIQUID MATERIAL, LOOSE HAIR, BLOOD, GRASS, DIRT, ETC.
TRACE OUTLINE USED & INDICATE LOCATION OF WOUNDS/LACERATIONS, USING 'X' FOR SUPERFICIAL, 'O' FOR DEEP; SHADE FOR BRUISES. WRITE OVER UNUSED OUTLINES. DESCRIBE IN DETAIL SHAPE OF BRUISES (ON ARMS OR OTHER EXTREMITIES) WHICH MAY INDICATE FORCE.



C. PELVIC IF A CHILD, PERFORM ONLY IF NECESSARY. (SAME INSTRUCTIONS AS GENERAL PHYSICAL; IN ADDITION, NOTE PUBIC HAIR COMINGS, DRIED SECRECTIONS AND RECENT INJURIES TO HYMEN WHERE INDICATED.) TRACE AND MARK OUTLINE AS ABOVE.



<p>V. DIAGNOSTIC IMPRESSION OF TRAUMA AND INJURIES</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>VII. SPECIMENS</p> <p>STAINS/FOREIGN MATERIALS (WHERE INDICATED)</p> <p>LOOSE HAIR _____ FINGERNAIL _____</p> <p>BLOOD _____ SCRAPINGS _____</p> <p>THREADS _____ VEGETATION _____</p> <p>GRASS _____ CLOTHING _____</p> <p>DRIED SECRECTIONS</p> <p>VAGINAL _____ SLIDES _____</p> <p>RECTAL _____</p> <p>ORAL _____</p> <p>ASPIRATES/ _____</p> <p>WABKINGS _____</p> <p>SITE MARKS _____</p> <p>OTHER: _____</p>
<p>VI. TREATMENT/DISPOSITION OF PATIENT</p> <p>A. <input type="checkbox"/> CULTURE <input type="checkbox"/> VOIR <input type="checkbox"/> PREGNANCY TEST <input type="checkbox"/> POST COITAL ESTROGEN <input type="checkbox"/> U.D. PRO. PHYLAXIS <input type="checkbox"/> OTHER: _____</p> <p>B. ORDERS: _____</p> <p>C. DISPOSITION: <input type="checkbox"/> ADMIT TRANSFERRED TO: _____</p> <p>D. FOLLOW-UP: <input type="checkbox"/> MEDICAL <input type="checkbox"/> SOCIAL SERVICES <input type="checkbox"/> PRIVATE MD <input type="checkbox"/> OTHER _____</p> <p>WITHIN: _____ HOURS _____ DAYS _____ HOURS _____ DAYS _____ HOURS _____ DAYS _____ HOURS _____ DAYS _____</p> <p><input type="checkbox"/> RELEASED ACCOMPANIED BY: NAME _____ ADDRESS _____ RELATIONSHIP _____</p>	

I HAVE RECEIVED THE INDICATED ITEMS AS EVIDENCE AND A COPY OF THIS REPORT.

OFFICER: _____ ID NO.: _____ DATE: _____

NURSE _____ SIGNATURE OF EXAMINING PHYSICIAN _____

PATIENT'S SAMPLES, TIME OF COLLECTION AT DISSECTION:

BLOOD _____

HAIR FROM HEAD _____

SPALVA _____

HAIR FROM PUBIC AREA _____

925. Consent by Minor.

Under Section 34.9 of the Civil Code (Statutes 1977, Chapter 935, effective January 1, 1978) a minor may consent to indicated medical treatment and a medical examination of sexual assault.

927. Preparation and Delivery by Reporting Physician.

The sexual assault reporting form shall be completed immediately or within 24 hours after the examination. If an investigating officer is present when the form is completed the copy marked "Law Enforcement" shall be given to him. Otherwise, the form shall be immediately mailed to the local chief of police or county sheriff after first reporting the sexual assault by telephone.

**Article 3. Guidelines for Investigation of Child Abuse in
Group Homes or Institutions**

930. Scope.

In accordance with Section 11174 of the Penal Code, this article applies to the investigation of suspected child abuse in group homes or institutions reported under Section 11166 of the Penal Code and adopts guidelines to insure investigations of such reported child abuse are conducted in accordance with this article. The guidelines are applicable when the abuse reported is child abuse as defined in Section 11165(f) of the Penal Code and not a mere complaint as defined in Section 930.3(m).

NOTE: Authority cited: Section 11174, Penal Code. Reference: Sections 11165(f) and 11174, Penal Code; and Section 5, Chapter 1071, Statutes 1980.

HISTORY:

1. New Article 3 (Sections 930-930.8) filed 7-23-82; effective thirtieth day thereafter (Register 82, No. 30).

930.1. Purpose.

- (a) The purpose of the adopted guidelines is
 - (1) to insure that the investigations of child abuse occurring in group homes or institutions are timely, complete, and coordinated among the responsible agencies;
 - (2) to require the appropriate agency to conduct the investigation in accordance with the guidelines;
 - (3) to insure that all appropriate authorities are informed so that timely and appropriate measures will be taken to guard against future institutional abuse; and
 - (4) to properly document reasons for any disposition made.
- (b) The intent of these administrative regulations is to foster a high level of cooperation, communication, and mutual respect between all agencies involved in the investigation and administration of institutional abuse cases. However, these guidelines are not intended to prohibit, impede or excuse law enforcement agencies in any way from conducting independent investigations into alleged criminal activity, or from carrying out the mandate of protecting life and property. Nor are they intended to preclude other government agencies from performing their lawful duties that may require concurrent, independent investigation or actions.

NOTE: Authority cited: Section 11174, Penal Code. Reference: Section 5, Chapter 1071, Statutes 1980.

930.2. Use of Guidelines.

The guidelines set forth in this article shall be used in the investigation of suspected child abuse in a group home or institution including neglect as defined in Penal Code Section 11165(c).

NOTE: Authority cited: Section 11174, Penal Code. Reference: Sections 11165(c) and 11165(f), Penal Code; and Section 5, Chapter 1071, Statutes 1980.

930.3. Definitions.

For the purpose of this article, the following glossary of terms shall apply whenever the terms are used:

- (a) *Child Abuse Reporting Law* means Penal Code Section 11165, et seq.
- (b) *Mandated reporter* means any person required to report pursuant to Penal Code Section 11166.
- (c) *Group home or institution* means a non-family residential home of any capacity that provides 24-hour care in a group setting for children in need of personal services, protection, supervision, assistance, guidance or training essential for sustaining the activities of daily living or for the protection of the child including group homes or institutions exempt from licensing requirements of Health and Safety Code Section 1508 under Section 1505 of that code and Title 22, California Administrative Code Section 80105.
- (d) *Child* means a person who is under 18 years of age.
- (1) *Preschool age* means a child from the age of two (2) up to the age of six (6).
- (2) *Infant* means a child who is under two (2) years of age.
- (e) *Child protective agency* means a police or sheriff's department, a county probation department, or a county welfare department.
- (f) *Law enforcement agency* means a police or sheriff's department, whichever of the two departments has jurisdiction.
- (g) *Child welfare agency* means a county probation or county welfare department, whichever of the two departments has responsibility for investigation of Welfare and Institutions Code Section 300 cases.
- (h) *Child placement agency* means any agency, public or private, licensed to engage in finding homes or other facilities for the placement of children for temporary or permanent care or adoption, including but not limited to probation departments, county welfare departments, adoption agencies, and agencies that place mentally or developmentally disabled children.
- (i) *Voluntary Inter-Agency Investigation Team* means a local voluntary association of law enforcement agencies, county welfare and probation departments, child placement agencies, and group home or institution licensing agencies established for the sharing of information and co-ordination of investigations of reports of child abuse occurring in group homes or institutions.
- (j) *Investigation* means any activity by a child protective agency in response to a report of suspected child abuse including: required reporting; assessing the nature and seriousness of the abuse; required interviews; conducting interviews, gathering and preserving evidence; determining whether the report is founded or unfounded; taking measures to ensure the safety of the children, notification of action taken or disposition after completion of the investigation as required by this article; notifying mandated reporters as required by Section 11170 of the Penal Code and notifying all appropriate agencies of the results of the investigation, of any formal or informal action taken by the appropriate agency, and of the final disposition.

(k) *Serious abuse* means all sexual assault and severe neglect as defined in Section 11165(c) (1) of the Penal Code and any act or omission proscribed by Sections 273a(1) or 273d, or any infliction of non-accidental injury on a child such as assaults, batteries or other crimes involving physical harm.

(l) *Other abuse* means general neglect as defined in Penal Code Section 11165(c) (2) or any act or omission proscribed by Section 273a(2) of the Penal Code.

(m) *Complaint* means a report concerning any non-criminal act or omission that infringes upon the basic rights of a child including those enumerated in Section 80341, Title 22 of the California Administrative Code or concerning any program policy, regulatory procedure or practice of any group home or institution, or any non-criminal act or omission in violation thereof.

NOTE: Authority cited: Section 11174, Penal Code. Reference: Sections 11165, 11166 and 11170, Penal Code; and Section 5, Chapter 1071, Statutes 1980.

930.4. Reporting Abuse in Group Homes or Institutions.

(a) All employees, personnel or administrators of group homes or institutions and all other mandated reporters shall report any suspected child abuse occurring in group homes or institutions to a child protective agency as required by Section 11166 of the Penal Code. The report to the child protective agency is required in addition to any other reports of child abuse which may have been made to the state or county licensing agency or any other public or private agency.

(b) All employees of a child protective agency shall report all suspected abuse and may also investigate that abuse. However, other mandated reporters do not have the responsibility to determine whether or not suspected child abuse has occurred. The responsibility to investigate the abuse lies with the child protective agency which makes that determination in its investigatory capacity.

(c) With the exception of general neglect cases as defined in Section 11165(c) (2) of the Penal Code, each child protective agency investigating reported child abuse in group homes or institutions shall forward a preliminary report in writing to the Department of Justice. In cases investigated by a Voluntary Inter-Agency Investigation Team only one preliminary report need be forwarded to the Department of Justice as required by Section 11169 of the Penal Code.

(d) Unless a report of suspected abuse is initially determined to be unfounded and when the investigation of or prosecution for child abuse will not be compromised, the investigating child protective agency shall immediately notify the child placement agency involved, the probation department, the agency responsible for licensing the group home or institution and the administrator of the group home or institution of the alleged abuse. If the child involved is not a dependent child or ward of the court, the parent or guardian of the child shall also be notified. If the child is a dependent child or ward of the court, the child placement agency shall determine whether or not to inform the child's parent or guardian of the alleged abuse.

NOTE: Authority cited: Sections 11170 and 11174, Penal Code. Reference: Sections 11165(c) (2), 11166, 11169 and 11170, Penal Code.

930.5. Assessing the Nature and Seriousness of the Suspected Child Abuse.

Except as provided in Section 930.7, upon receipt of the report of suspected child abuse the child protective agency shall make a determination of the nature of the suspected abuse and whether it constitutes serious abuse as defined in this article.

(a) If the suspected child abuse appears to be serious abuse, the law enforcement agency shall investigate immediately, take measures as needed to protect the child, and continue the investigation in accordance with the standard procedures set forth in Section 930.6 of this article.

(b) If the suspected child abuse appears to involve other abuse, the child welfare agency shall investigate in accordance with the standard procedures set forth in Section 930.6 of this article. However, if such abuse occurs in a group home or institution under the authority of the child welfare agency, the law enforcement agency shall investigate.

(c) If the suspected child abuse appears to involve only a complaint, the report shall be referred to the licensing agency of the group home or institution and to the county welfare department.

(d) If at any point in the investigation the law enforcement agency determines that the incident does not involve serious abuse, the child welfare agency shall be notified immediately, and it shall continue the investigation.

(e) If at any point in the investigation the abuse initially thought to be other than serious abuse is determined to be serious abuse, the investigation shall be stopped, the law enforcement agency shall be notified immediately, and it shall continue the investigation.

NOTE: Authority cited: Section 11174, Penal Code. Reference: Section 11165, Penal Code; and Section 5, Chapter 1071, Statutes 1980.

930.6. Standard Procedure.

(a) Except as provided in Section 930.7 the standard procedures set forth below shall be followed to determine whether the reported child abuse occurred, whether remedial or protective action is necessary to ensure the safety of the child and other children in the group home or institution, to identify the perpetrator, and to provide a basis for assessment by appropriate independent agencies of the suitability of the group home or institution for placements.

(b) The guidelines established pursuant to Penal Code Sections 13516 and 13517 for the investigation of sexual assault and child abuse and neglect shall be consulted and may be followed where appropriate in investigating child abuse occurring in group homes or institutions. Copies are available through the Commission on Peace Officer Standards and Training, 7100 Bowling Drive, Suite 240, Sacramento, California 95823, Attention: Publications.

(c) Required interviews. Initial interviews with the victim, the reporting parties if known, and other witnesses are required to determine the circumstances leading to the report, when the abuse occurred, the nature and extent of the abuse and whether an incident of child abuse has occurred in the facility before.

(1) Reporting Party—The person(s) initially reporting the abuse under Section 11166 of the Penal Code. At all times great care shall be exercised to maintain the confidentiality provided by Section 11167 of the Penal Code for persons who report under the Child Abuse Reporting Law.

(2) Victim—whether the victim is an infant, preschool, or older child, it is preferable that an interview be conducted when possible by trained personnel with sensitivity to the psychological and emotional needs and background of children the victim's age.

(3) Other Witnesses—the following persons shall be contacted where warranted by the circumstances:

(A) the administrator and employees of the group home or institution and the licensee or owner,

(B) the placement worker for the child,

(C) other selected children in the home,

(D) the placement worker for other selected children in the home,

(E) authorities and teachers at any school the child may attend,

(F) the licensing worker for the group home or institution, and

(G) any other person who either may have witnessed the abuse or who may provide history or other related information concerning the victim or participants in the abuse.

(d) Conducting Interviews

(1) When appropriate, the interview should be conducted in the group home or institution. In any event, the investigator should view the premises.

(2) If possible, the child should be interviewed first, separately and in private. The investigator should be sensitive to the child's age and should conduct the inquiry in a nonthreatening atmosphere with appropriate assurances given to the child. Information should be solicited in a concerned and nonpunitive manner, and the child should be encouraged to give explanations regarding the reported abuse with the view toward eliciting specific details.

The child should be examined for injuries hidden by clothing or other garments, particularly infants and preschool children. Any statements of the child should be paraphrased and recorded in a narrative form.

(3) After the child and other selected children in the home have been interviewed, the employees and administrator and licensee or owner of the group home or institution should be interviewed.

(e) Gathering and Preserving Evidence

(1) The Department of Justice Child Abuse Unit shall be contacted to obtain any relevant information available, including whether other incidents have been reported involving the same group home or institution, the same child or children or the same person(s) who may have been involved in the reported abuse.

(2) Where authorized by law, photographs shall be taken and any tangible evidence of abuse shall be collected and preserved.

(A) Photographs should be taken of all visible physical injuries, even if the injuries appear slight. Photographs of conditions affecting the child's general appearance and demeanor should also be taken, especially in cases of neglect or failure to thrive.

(B) Physical evidence such as implements used to inflict the abuse, articles of clothing, fingerprints, or other related items should be collected and preserved. Where appropriate all such items shall be marked by the investigator for identification, placed in sealed containers, and a record made of the chain of custody for each item.

(C) Diagrams, photographs and measurements of the premises should be made, in particular of the scene of alleged abuse.

(D) Medical examination of the child:

1. Where the abuse involves a sexual assault, a medical examination of the child shall be conducted by a licensed physician. The guidelines prescribed by regulations in chapter 3, title 22, California Administrative Code shall be used.

2. Where serious abuse is suspected or the victim is an infant, a medical examination should be conducted by a licensed physician. Serious physical harm especially in infants may not be readily observable but can be indicated by the nature of the reported abuse. All evidence of abuse resulting from a medical examination, including but not limited to skeletal and dental x-rays, specimens, and blood samples, must be obtained and preserved.

(f) Determining Whether the Report is Unfounded

(1) If during the course of an investigation the report of suspected abuse proves to be unfounded because the report is inherently improbable or admittedly false, or because there is no evidence to substantiate an allegation of child abuse made by an anonymous reporter, or because the incident would not constitute child abuse as defined in Section 11165(g) of the Penal Code, the investigating agency shall inform the Department of Justice.

(2) Before a report may be considered unfounded, it must be proven that the alleged abuse did not occur. Alternative explanations for the alleged abuse, mere conflicts in statements of the victim and/or other witnesses, or lack of evidence to prove the allegation factually true are not alone adequate for a determination that a report is unfounded.

(g) Taking Measures to Ensure the Safety of the Child

(1) Removal of the child and placement in protective custody shall be done immediately where the child's condition or surroundings reasonably appear to be such as to jeopardize the child's welfare. After removal of the child the responsibility for alternative placement lies with the agency which placed the child in the group home or institution.

(2) If the investigation is being conducted by a law enforcement agency and probable cause to arrest exists, the suspect(s) shall be taken into custody where appropriate.

(3) If probable cause to arrest does not exist, any person(s) suspected of child abuse may be requested to leave the group home or institution voluntarily until completion of the investigation. If the suspect(s) is a child in the group home or institution, removal of that child should be considered. Removal should be accomplished by a law enforcement officer, by the child placement agency or by cooperation with that child's parent or guardian, or by order of the court, whichever is appropriate.

(4) On-site monitoring of the licensed group home or institution by the appropriate licensing agency until completion of the investigation should be considered, especially where staff or administrative personnel involvement in the alleged abuse is suspected. If the group home or institution is unlicensed, monitoring by the child welfare agency should be considered.

(h) Notification of Action Taken After Completion of the Investigation or Final Disposition of the Matter

In addition to the notification required in Section 11170 of the Penal Code, all persons and agencies listed below shall be notified in writing by the investigating agency of the results of the investigation, any action taken, whether the action be formal or informal, and/or the final disposition of the matter:

- (1) The Department of Justice, Division of Law Enforcement.
- (2) The child placement agency involved.
- (3) The licensing agency of the group home or institution.

(4) The probation department and the welfare department in the county in which the group home or institution is located.

(5) The administrator of the group home or institution.

(6) The parent or guardian of the child involved if the child is not a dependent child or ward of the court.

(i) Actions That Shall or May be Taken Upon Receipt of the Notice Required on 930.6(h)

Upon receipt of the notice required in Section 930.6(h), the persons and agencies notified shall or may take action as appropriate, including but not limited to the following:

(1) The Department of Justice, Division of Law Enforcement shall file the copy of the notification with the preliminary report required by Section 930.4(C) and Section 11169 of the Penal Code;

(2) The child placement agency involved may;

(A) discontinue use of the group home or institution;

(B) notify other child placement agencies as long as the identity of the child involved is not disclosed and disclosure does not violate sanctions against disseminating confidential information or sensitive information that is contrary to the best interest of the involved children and/or their parent so that appropriate action for the protection of all children in the home may be taken; and

(C) notify the parent or guardian of the child involved if the child is a dependent child or ward of the court;

(3) The licensing agency may revoke or suspend the license of the group home or institution;

(4) The probation department and the welfare department in the county in which the group home or institution is located may recommend to the juvenile court whether the placement should be revoked, whether the suitability of the placement of all children in the home should be reviewed, or whether other proper judicial relief should be invoked;

(5) The administrator of the group home or institution may make appropriate personnel, policy, or procedural changes within the group home or institution;

(6) The parent or guardian of the child involved if the child is not a dependent child or ward of the court may remove the child.

NOTE: Authority cited: Sections 11170(a) and 11174, Penal Code. Reference: Sections 1493 and 1494, Health and Safety Code; and Sections 11165(f), 11167, 11169, 11170, 11171 and 11174, Penal Code.

930.7. Assessment of Abuse and Standard Procedures for Voluntary Inter-Agency Investigation Teams.

In counties having a Voluntary Inter-Agency Investigation team, procedures and standards for assessment and investigation of child abuse which are established and agreed upon by the agencies involved may be followed in lieu of the guidelines in Sections 930.5 and 930.6, so long as they are not inconsistent therewith and all notifications required therein are made.

NOTE: Authority cited: Section 11174, Penal Code. Reference: Section 5, Chapter 1071, Statutes, 1980.

930.8. Enforcement of Guidelines.

To ensure that every investigation of alleged child abuse in group homes or institutions is conducted in accordance with the guidelines set forth in this Article, the Department of Justice shall implement the following procedures.

(a) The Department of Justice, Division of Law Enforcement, shall monitor investigations of incidents of suspected child abuse in group homes or institutions reported under Section 11169 of the Penal Code to ensure that each incident is being investigated and that reasonable progress is made in the investigation. The Division shall maintain records which shall include the case file name or report number of each such incident, the county and agency conducting the investigation, the date of the incident and the date reported to the investigative agency, information concerning any action taken, upon completion of the investigation or final disposition of the matter, and the notification submitted under Section 930.6(h) (4).

(1) The records required by this section shall be compiled from reports submitted pursuant to Section 11169 of the Penal Code and Sections 930.6(f) and (h) of this article, and may include information from records maintained by the Department of Justice on arrest and conviction.

(2) Records maintained by the Department of Justice on arrests for child abuse related charges shall be used to verify whether or not reports required by this Article or the Child Abuse Reporting Law have been submitted. If such reports have not been submitted, the Department shall request that the appropriate child protective agency in the county where the arrest occurred submit the required reports.

(b) The Office of the Attorney General shall be notified by the Division of Law Enforcement of any incidents of suspected child abuse in group homes or institutions reported under Section 11169 of the Penal Code.

(1) where it appears reasonable progress is not being made in the investigation,

(2) where reports required by Section 11169 of the Penal Code or by this article have not been submitted, or

(3) where any of the information required for the Division of Law Enforcement to monitor the investigation is not made available by the appropriate agencies.

NOTE: Authority cited: Section 11170(a), Penal Code. Reference: Sections 11169, 11170(b), 11172(b), and 11174, Penal Code.